



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,135	02/04/2004	Yih-Shin Tan	5577-290	4257
46589	7590	08/10/2007	EXAMINER	
MYERS BIGEL SIBLEY SAJOVEC P.A. PO BOX 37428 RALEIGH, NC 27627			KEEFER, MICHAEL E	
		ART UNIT	PAPER NUMBER	
		2154		
			MAIL DATE	DELIVERY MODE
			08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/772,135	TAN ET AL.	
	Examiner	Art Unit Michael E. Keefer	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This Office Action is responsive to the Application filed 2/4/2004.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. See page 6. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

3. Claims 2-10, 12, 14-22, 24, 26-34, and 36 are objected to because of the following informalities:

It is suggested that the first word of claims 2-10, 12, 14-22, 24, 26-34, and 36 be changed from "A" to --the-- to improve the clarity of the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claim 13** is rejected under 35 U.S.C. 112, first paragraph, as having undue breadth. Claim 13 is a single means claim, as it only recites a single "means for". A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197

(Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). (MPEP 2164.08(a).)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10, 13-22, and 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumar et al. (US 6278993), hereafter Kumar.

Regarding **claims 1, 13, and 25**, Kumar discloses:

A method of configuring nodes for service requests, the method comprising:

transmitting an operational rule from a first service node that receives a request for service to a second service node that is configured to apply the operational rule to the request for service in response to the request from the first service node for service. (Fig. 10, items 215 and 213. The first node transmits the search query to a search function)

Regarding **claims 2, 14, and 26 as applied to claims 1, 13, and 25**, Kumar discloses:

propagating the operational rule from the second service node to a third service node that is registered with the second service node as capable of providing service thereto. (Fig. 10, items 219 and 223, the first search node transfers the search query to a private search node)

Regarding claims 3, 15, and 27 as applied to claims 1, 13, and 25, Kumar discloses:

wherein transmitting an operational rule is preceded by: registering the second node with the first service node to define the second service node as available to the first service node to receive requests for service. (Col. 24 lines 43-47 disclose registering with the private search engine)

Regarding claims 4, 16, and 28 as applied to claims 1, 13, and 25, Kumar discloses:

wherein the operational rule comprises a first operational rule, the method further comprising: modifying the first operational rule to provide a second operational rule; and transmitting the second operational rule to the second service node responsive to modifying the first operational rule. (Col. 25 lines 14-16 disclose modifying the search query before sending it to the private search engine)

Regarding claims 5, 17, and 29 as applied to claims 1, 13, and 25, Kumar discloses:

receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the

operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to the second service node. (Fig. 10)

Regarding claims 6, 18, and 30 as applied to claims 1, 13, and 25, Kumar discloses:

receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to a third service node rather than the second service node responsive to a parameter associated with the third service node. (Col. 23 lines 56-58 discloses that there may be multiple private search engines which the user may be registered to.)

Regarding claims 7, 19, and 31 as applied to claims 1, 13, and 25, Kumar discloses:

receiving a first request for service at the first service node, the first request for service including a token associated with the first request that further defines how the first request is to be serviced; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request and the token to the second service node. (Fig. 10, note that a token is inherent in a IP packet. (Note that a token indicating Quality of Service is inherent in a IP packet (Definition of the packet structure by pg. 98 Comer is cited, note the Service Type field.)))

Regarding claims 8, 20, and 32 as applied to claims 1, 7, 13, 19, 25, and 31,

Kumar discloses:

wherein the token comprises at least one of a price, geographic location, and quality of service. (Note that a token indicating Quality of Service is inherent in a IP packet (Definition of the packet structure by Comer pg. 98 is cited, note the Service Type field.))

Regarding claims 9, 21, and 33 as applied to claims 1, 13, and 25, Kumar discloses:

wherein the operational rule comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with the request for service. (Col. 24, lines 53-54, the search request for bios flash upgrades is associated with both security and error recovery.)

Regarding claims 10, 22, and 34 as applied to claims 1, 13, and 25, Kumar discloses:

wherein the operational rule comprises an requestor identifier that identifies a the first service node as transmitting the request for service the second service node. (Col. 24, lines 53-54, the search request for bios flash upgrades is associated the first service node (i.e. the pavilion server).)

8. Claims 11-12, 23-24, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Slaughter et al. (US 6973493), hereafter Slaughter.

Regarding claims 11, 23, and 35, Slaughter discloses:

A method of configuring secondary service nodes to handle service requests from a primary service node in a service node network, the method comprising:

receiving a request for registration at a primary service node from a secondary service node including that the secondary service node is capable of providing a service to the primary service node; (Col. 34 lines 13-14 disclose that the client receives a "capability credential", i.e. a request for registration.)

registering that the secondary service node is capable of providing the service with primary service node; transmitting a response from the primary service node to the secondary service node including an operational rule that defines how the service is to be provided to the primary service node; (Col. 34 lines 43-48 disclose the client specifying a rule for how results are to be returned to the client.)

maintaining the operational rule accessible to the secondary service node and associated with the primary service node; receiving a request for service from the primary service node at the secondary service node; and providing service to the primary service node responsive to determining that the request for service is associated with the primary service node. (Col. 34 lines 65-67 - Col. 35 lines 1-5 disclose sending a request to the service and getting a result compliant with the rule sent to the service)

Regarding claims 12, 24, and 36 as applied to claims 11, 23, and 35,

Slaughter discloses:

Claims 12, 24, and 36 are substantially the same as claims 11, 23, and 35 except that they state that the service is capable of servicing more than one node. Col. 33 line 60 discloses that there are multiple clients that may subscribe to services, therefore the services can register with multiple clients.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 5:30am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/772,135
Art Unit: 2154

Page 9

MEK 7/30/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER